

USDC: 17-312 - File

In The United States Bankruptcy Court
For the Eastern District of Pennsylvania

In Re: Evelyn Rivera ^{At} Bankruptcy No # 16-16269-2016

John J. Lynch

Adversary Complaint No # 1600301 AN

Evelyn Rivera

2016

FILED

appealed

JAN 30 2017

KATE BARKMAN, Clerk
By _____ Dep. Clerk

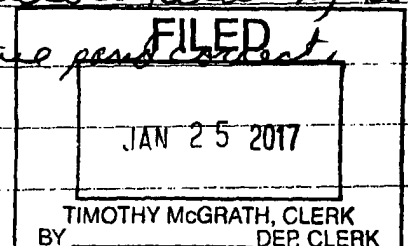
Petition to Proceed In Forma Pauperis

To: the Judges of the United States Bankruptcy Court:

1. I John J. Lynch am the creditor/Plaintiff in the above "matters" and because of my financial condition I am unable to pay the fees, and cost of prosecuting the appeals in the action/proceedings stated,
2. I am unable to obtain funds from anyone, including my family, and associates, to pay the cost of litigation
3. I represent that the information below relating to my ability to pay fees/cost are true and correct.

a name - John J. Lynch

3281 Red Lion Rd apt 1
Phila PA, 19114



b. Employment - none

c. Other income within the past 12 months

Business or Profession - none

self employment - none

interest - none

Dividends - none

Pension - 1075.00 VA.

Social Security - none

Support payments - none

Disability payments - none - or see pensions.

Unemployment Comp - none

workers comp - none

Public Assist. - 26.00 Food stamps + (H, U, D, V, A, S, H)

other - none

d. Other contributions to household.

none

e. Property owned

Cash - none

checking - (-4.35) citizens

Savings - none

Cert of Deposit - none

Real Estate - none

Motor Vehicle - 99 clay Broken down

stocks and bonds - none

other - none

F. Debts and obligations

Phone 40.00 mo, Elect. 75.00 mo, GAS 75.00 mo

Rent - 195.00

Loans - 1,500.00 Shipe Motors

- 300.00 mom

other - Medical Bills 15,000.00

ARIA health system

g. Persons dependent upon you for support

none - help mom out with money

when I can, she 84 yrs

4. I understand that I have a continuing obligation to inform the Court of improvements in my financial circumstances which would permit me to pay the cost incurred herein,

5. I verify that the statements made herein this affidavit are true and correct, I understand that false statements herein are subject to the penalties in the U.S.C.,

John J. Lynch

John J. Lynch

1-4-17

727OBJ, DISPOAP, DISMISSED, APPEAL

**U.S. Bankruptcy Court
Eastern District of Pennsylvania (Philadelphia)
Adversary Proceeding #: 16-00301-amc**

Assigned to: Judge Ashely M. Chan

Date Filed: 09/12/16

Lead BK Case: 16-16269

Date Dismissed: 11/30/16

Lead BK Title: Evelyn Rivera

Lead BK Chapter: 7

Demand: \$50000

Nature[s] of Suit: 21 Validity, priority or extent of lien or other interest in property
31 Approval of sale of property of estate and of a co-owner - 363(h)
41 Objection / revocation of discharge - 727(c),(d),(e)
68 Dischargeability - 523(a)(6), willful and malicious injury
91 Declaratory judgment

Plaintiff

John J. Lynch

3281 Red Lion Road

Apt. #1

Philadelphia, PA 19114

represented by **John J. Lynch**

PRO SE

V.

Defendant

Evelyn Rivera

10814 Modena Ter

Philadelphia, PA 19154

SSN / ITIN: xxx-xx-2232

represented by **JENNIFER SCHULTZ**

Community Legal Services

North Philadelphia Law Center

1410 W. Erie Avenue

Philadelphia, PA 19140-4111

215 227-2400x2420

Fax : 215 227-2435

Email: jschultz@clsphila.org

LEAD ATTORNEY

Defendant

BANK OF AMERICArepresented by **KEVIN G. MCDONALD**

Blank Rome LLP

One Logan Square

Philadelphia, PA 19103

215-569-5582

Fax : 215-832-5582

Email: KMcdonald@blankrome.com***Defendant*****Bayshore Loan Servicing**represented by **KEVIN G. MCDONALD**

(See above for address)

Defendant**KML Group, Inc.**represented by **THOMAS I. PULEO**

KML Law Group, P.C.

701 Market Street




Suite 5000









Philadelphia, PA 19106

(215) 627-1322

Fax : (215) 627-7734

Email: tpuleo@kmlawgroup.com

Filing Date	#	Docket Text
09/12/2016	 <u>1</u>	Adversary case 16-00301. Complaint by John J. Lynch against Evelyn Rivera , BANK OF AMERICA , Bayshore Loan Servicing , KML Group, Inc. . Fee Amount \$0.00 . (Attachments: # <u>1</u> Adversary Coversheet # <u>2</u> Certificate of Service) (21 (Validity, priority or extent of lien or other interest in property)) ,(31 (Approval of sale of property of estate and of a co-owner - 363(h))) ,(41 (Objection / revocation of discharge - 727(c),(d),(e))) ,(68 (Dischargeability - 523(a)(6), willful and malicious injury)) ,(91 (Declaratory judgment)) (G., Jennifer) (Entered: 09/12/2016)
09/12/2016	 <u>2</u>	Petition to Proceed In Forma Pauperis Filed by John J. Lynch (related document(s) <u>1</u>). (G., Jennifer) (Entered: 09/12/2016)
09/12/2016	 <u>3</u>	1 Summons Issued to Plaintiff(s) to be served upon Defendant(s) BANK OF AMERICA Date Issued 9/12/2016,

		Answer Due 10/12/2016; Bayshore Loan Servicing Date Issued 9/12/2016, Answer Due 10/12/2016; KML Group, Inc. Date Issued 9/12/2016, Answer Due 10/12/2016; Evelyn Rivera Date Issued 9/12/2016, Answer Due 10/12/2016. (G., Jennifer) (Entered: 09/12/2016)
09/12/2016	 <u>4</u>	Court's Certificate of Mailing. Number of notices: 1 John J. Lynch(pla)(related document(s) <u>1</u> , <u>3</u>). (G., Jennifer) (Entered: 09/12/2016)
09/26/2016	 <u>5</u>	Summons Service Executed on BANK OF AMERICA 9/26/2016; Bayshore Loan Servicing 9/26/2016; KML Group, Inc. 9/26/2016; Evelyn Rivera 9/26/2016 . (D., Stacey) (Entered: 09/27/2016)
09/26/2016	 <u>6</u>	Order Re: Upon consideration of the petition to proceed in Forma Pauperis, it is hereby Ordered that the petition is Denied. Plaintiff shall have 30 days from the date of this order to pay the required filing fee. (related document(s) <u>2</u>). (D., Stacey) (Entered: 09/27/2016)
09/29/2016	 <u>7</u>	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <u>6</u>)). No. of Notices: 3. Notice Date 09/29/2016. (Admin.) (Entered: 09/30/2016)
10/10/2016	 <u>8</u>	Motion to Dismiss Adversary Proceeding Filed by KML Group, Inc. Represented by THOMAS I. PULEO (Counsel). (Attachments: # <u>1</u> Brief in Support of the Motion of Defendant, KML LAW GROUP,P.C., to Dismiss Plaintiff's Adversary Complaint # <u>2</u> Exhibit A-H # <u>3</u> Proposed Order # <u>4</u> Service List) (PULEO, THOMAS) (Entered: 10/10/2016)
10/10/2016	 <u>9</u>	Notice of (related document(s): <u>8</u> Motion to Dismiss Adversary Proceeding) Filed by KML Group, Inc.. Hearing scheduled 11/16/2016 at 11:00 AM at nix5 - Courtroom #5. (Attachments: # <u>1</u> Service List)(PULEO, THOMAS) (Entered: 10/10/2016)
10/12/2016	 <u>10</u>	Motion to Dismiss Adversary Proceeding Filed by Evelyn Rivera Represented by JENNIFER SCHULTZ (Counsel). (Attachments: # <u>1</u> Proposed Order # <u>2</u> Service List # <u>3</u> Volume(s) brief in support) (SCHULTZ, JENNIFER) (Entered: 10/12/2016)
10/12/2016	 <u>11</u>	Notice of Appearance and Request for Notice <i>with Certificate of</i>

		<i>Service</i> by KEVIN G. MCDONALD Filed by KEVIN G. MCDONALD on behalf of BANK OF AMERICA, Bayshore Loan Servicing. (MCDONALD, KEVIN) (Entered: 10/12/2016)
10/12/2016	● <u>12</u>	Notice of (related document(s): <u>10</u> Motion to Dismiss Adversary Proceeding) Filed by Evelyn Rivera. Hearing scheduled 11/16/2016 at 11:00 AM at nix5 - Courtroom #5. (SCHULTZ, JENNIFER) (Entered: 10/12/2016)
10/12/2016	● <u>13</u>	Certificate of Service Filed by JENNIFER SCHULTZ on behalf of Evelyn Rivera (related document(s) <u>10</u> , <u>12</u>). (SCHULTZ, JENNIFER) (Entered: 10/12/2016)
10/12/2016	● <u>14</u>	Motion to Dismiss Case. Motion to Dismiss Adversary Complaint Filed by BANK OF AMERICA, Bayshore Loan Servicing Represented by KEVIN G. MCDONALD (Counsel). (Attachments: # <u>1</u> Memorandum of Law in Support # <u>2</u> Exhibits 1-5 # <u>3</u> Proposed Order # <u>4</u> Service List # <u>5</u> Notice of Motion to Dismiss) (MCDONALD, KEVIN) (Entered: 10/12/2016)
10/13/2016	● <u>15</u>	Notice of (related document(s): <u>14</u> Motion to Dismiss Case. Motion to Dismiss Adversary Complaint) Filed by BANK OF AMERICA , Bayshore Loan Servicing . Hearing scheduled 11/16/2016 at 11:00 AM at nix5 - Courtroom #5. (D., Stacey) (Entered: 10/13/2016)
10/14/2016	● <u>16</u>	Notice of Appeal to District Court . Receipt Number 0, Fee Amount \$0 Filed by John J. Lynch (related document(s) <u>6</u>). Appellant Designation due by 10/28/2016. Transmission of record on appeal to District Court Due Date:11/11/2016. cc: Judge Ashely M. Chan, District Court, Jennifer Schultz, Kevin McDonald, Thomas Puelo, United States Trustee, Gary Seitz, John J. Lynch. (D., Stacey) Additional attachment(s) added on 10/18/2016 (D., Stacey). (Entered: 10/18/2016)
10/18/2016	● <u>17</u>	Court's Certificate of Mailing. Number of notices: 8, Judge Ashely M. Chan, District Court, Jennifer Schultz, Kevin McDonald, Thomas Puelo, U.S. Trustee, Gary Seitz, John Lynch. (related document(s) <u>16</u>). (D., Stacey) Modified on 10/18/2016 (D., Stacey). (Entered: 10/18/2016)
10/18/2016	● <u>18</u>	Transmission of Notice of Appeal to District Court (related document(s) <u>16</u>). (D., Stacey) (Entered: 10/18/2016)

10/18/2016	● <u>19</u>	Hearing Continued on Motion to Dismiss Adversary Proceeding Filed by KML Group, Inc. Represented by THOMAS I. PULEO (Counsel), Motion to Dismiss Adversary Proceeding Filed by Evelyn Rivera Represented by JENNIFER SCHULTZ (Counsel). and Motion to Dismiss Case. Motion to Dismiss Adversary Complaint Filed by BANK OF AMERICA, Bayshore Loan Servicing Represented by KEVIN G. MCDONALD (Counsel). Hearing Rescheduled to 11/30/2016 at 11:00 AM at nix5 - Courtroom #5. (T., Barbara) (Entered: 10/18/2016)
10/18/2016	● <u>20</u>	Notice of Docketing Record on Appeal to District Court. Case Number: 16-5493 , Judge Rufe (related document(s) <u>16</u>). (D., Stacey) (Entered: 10/21/2016)
10/18/2016	● <u>21</u>	** Duplicate of Doc. # 20 ** Notice of Docketing Record on Appeal to District Court. Case Number: 16-5493, Judge Rufe. (related document(s) <u>16</u>). (D., Stacey) Modified on 10/25/2016 (D., Stacey). (Entered: 10/25/2016)
11/03/2016	● <u>22</u>	Response to Motion to Dismiss Case for Other filed by Defendant BANK OF AMERICA, Defendant Bayshore Loan Servicing Filed by John J. Lynch (related document(s) <u>14</u>). (D., Stacey) (Entered: 11/03/2016)
11/22/2016	● <u>23</u>	Transmittal of Record on Appeal to District Court (related documents <u>16</u> Notice of Appeal) Filed by John J. Lynch (# 16-5493) (related document(s) <u>16</u>). (D., Stacey) (Entered: 11/22/2016)
11/23/2016	● <u>24</u>	District Court Acknowledgement of receiving Notice of Appeal. # 16-5493. (related document(s) <u>16</u>). (D., Stacey) (Entered: 11/28/2016)
11/30/2016	● <u>25</u>	Hearing Held on <u>8</u> Motion to Dismiss Adversary Proceeding Filed by KML Group, Inc. Represented by THOMAS I. PULEO (Counsel). (Attachments: # 1 Brief in Support of the Motion of Defendant, KML LAW GROUP,P.C., to Dismiss Plaintiff's Adversary Complaint # 2 Exhibit A-H # 3 Proposed Order # 4 Service List) filed by Defendant KML Group, Inc., <u>10</u> Motion to Dismiss Adversary Proceeding Filed by Evelyn Rivera Represented by JENNIFER SCHULTZ (Counsel). (Attachments: # 1 Proposed Order # 2 Service List # 3 Volume(s) brief in support) filed by Defendant Evelyn Rivera,

		<u>14</u> Motion to Dismiss Case. Motion to Dismiss Adversary Complaint Filed by BANK OF AMERICA, Bayshore Loan Servicing Represented by KEVIN G. MCDONALD (Counsel). (Attachments: # 1 Memorandum of Law in Support # 2 Exhibits 1-5 # 3 Proposed Order # 4 Service List # 5 Notice of Motion to Dismiss) filed by Defendant BANK OF AMERICA, Defendant Bayshore Loan Servicing (related document(s), <u>14,8,10</u>). Order entered. (D., Stacey) (Entered: 12/01/2016)
11/30/2016	● <u>26</u>	Hearing Held on {8} <u>10 14</u> , Motion to dismiss adversary proceeding. Order entered . (D., Stacey) (Entered: 12/01/2016)
11/30/2016	● <u>27</u>	Hearing Held on <u>8 10 14</u> Motion to dismiss adversary proceeding. Order entered. (D., Stacey) (Entered: 12/01/2016)
11/30/2016	● <u>28</u>	Order Granting Motion to Dismiss Adversary Proceeding with prejudice. (Related Doc # <u>10</u>) (D., Stacey) (Entered: 12/01/2016)
11/30/2016	● <u>29</u>	Order Granting Motion to Dismiss Adversary Proceeding with prejudice. (Related Doc # <u>8</u>) (D., Stacey) (Entered: 12/01/2016)
11/30/2016	● <u>30</u>	Order Granting Motion to Dismiss adversary complaint with prejudice. (Related Doc # <u>14</u>) (D., Stacey) (Entered: 12/01/2016)
12/01/2016	●	Disposition of Adversary 2:16-ap-301 dismissed (related document(s) <u>5, 1</u>). (D., Stacey) (Entered: 12/01/2016)
12/03/2016	● <u>31</u>	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <u>28</u>)). No. of Notices: 3. Notice Date 12/03/2016. (Admin.) (Entered: 12/04/2016)
12/03/2016	● <u>32</u>	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <u>29</u>)). No. of Notices: 3. Notice Date 12/03/2016. (Admin.) (Entered: 12/04/2016)
12/03/2016	● <u>33</u>	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <u>30</u>)). No. of Notices: 3. Notice Date 12/03/2016. (Admin.) (Entered: 12/04/2016)
12/08/2016	● <u>34</u>	Copy of Order Re: The Appellant shall serve and file his brief within 15 days after the date of reassignment. The Appellee shall serve and file briefs within 15 days after service of the brief of

		the Appellant. The Appellant may serve and file a reply brief within 10 days after service of the brief of the Appellee . (D., Stacey) (Entered: 12/14/2016)
01/04/2017	● <u>35</u>	Copy of Order Re: Upon review of the Court's records indicating that Appellant has not filed a brief in the above captioned matter despite a court order to do so by December 20, 2016 (Doc. #3), it is hereby Ordered that Appellant shall serve and file a brief by Wednesday, January 18, 2017. (D., Stacey) (Entered: 01/09/2017)
01/11/2017	● <u>36</u>	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <u>35</u>)). No. of Notices: 3. Notice Date 01/11/2017. (Admin.) (Entered: 01/12/2017)
01/18/2017	● <u>37</u>	(Copy) Notice of Appeal to District Court. . Receipt Number 0, Fee Amount \$0 Filed by John J. Lynch (related document(s) <u>30</u> , <u>28</u> , <u>29</u>). Appellant Designation due by 2/1/2017. Transmission of record on appeal to District Court Due Date:2/15/2017. CC: Judge Chan, District Court, Jennifer Schultz, U.S. Trustee, Kevin McDonald, Gary Seitz, Thomas Puleo, John J. Lynch (1-20-17). (D., Stacey) (Entered: 01/20/2017)
01/20/2017	● <u>38</u>	Court's Certificate of mailing of Notice of Appeal : CC: Judge Chan, U.S. District Court, United States Trustee, Jennifer Schultz, Kevin McDonald, Thomas Puleo, Gary Seitz, John J. Lynch. (related document(s) <u>37</u>). (D., Stacey) (Entered: 01/20/2017)
01/20/2017	● <u>39</u>	Transmission of Notice of Appeal to District Court (related document(s) <u>37</u>). (D., Stacey) (Entered: 01/20/2017)
01/22/2017	● <u>40</u>	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <u>38</u>)). No. of Notices: 3. Notice Date 01/22/2017. (Admin.) (Entered: 01/23/2017)
01/23/2017	● <u>41</u>	Original Notice of Appeal Filed by John J. Lynch . (D., Stacey) (Entered: 01/25/2017)
01/25/2017	● <u>43</u>	Copy of Petition to Proceed In Forma Pauperis Filed by John J. Lynch . (D., Stacey) (Entered: 01/26/2017)
01/25/2017	● <u>44</u>	Copy of Motion/Petition to Consolidate for Appeal Filed by John J. Lynch . (D., Stacey) (Entered: 01/26/2017)

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01/26/2017	● <u>42</u>	Notice of Docketing Record on Appeal to District Court. Case Number: 17-0312, Judge Pratter (related document(s) <u>37</u>). (D., Stacey) (Entered: 01/26/2017)
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1-27-17
[Signature]